

# **Santa Barbara Unified School District**

## **Board Policy**

**BP 3554.2**

### **Business and Non-Instructional Operations**

#### **COMPETITIVE SCHOOL FOOD/BEVERAGE SALES**

The Governing Board hereby establishes the following policy regarding competitive sales of food and/or beverages in the schools of the district in compliance with state and federal guidelines.

#### **Junior and Senior High Schools (Grades 7-12)**

One specific student organization may sell three types of nutritious food or beverage items each day provided that the items are not prepared on the premises and are not sold in the Food Service Program.

In addition to only one organization selling no more than three types of food and/or beverage items each day, any number of organizations may conduct food or beverage sales four days per year, per school, provided that the items sold are allowable in the implementing Administration Regulation.

#### **Exemptions**

In addition to the one student organization designated to sell foods and beverages each day, PTSA (Parent Teacher Student Association) and ROP (Regional Occupational Program) organizations may sell food and beverage items on the school campus during the school day. ROP organizations must be sanctioned by and registered with the local county office of education as a designated ROP. Designated PTSA organizations must be a member of the national PTA organization and must pay dues. Each PTSA must submit a receipt of payment of these dues to the school district Governing Board.

Sanctioned PTSA and ROP organizations must be in compliance with all district, state and federal competitive food policy regulations; at least fifty percent of all food and beverage items sold must be from the list of nutritious food; only three categories of items may be sold on any given school day; and items may not be prepared on the premises.

#### **Elementary Schools**

A student organization may conduct a sale of one food item and/or beverage if the sale is conducted after 2:00 p.m., and the food is not prepared on the premises. Such sales shall be allowed no more than four times each school year and such food and/or beverage sales shall be limited to specified items (as indicated in the implementing Administrative Regulation).

#### **Compliance with State and Federal Law**

All food and beverage sales during regular school hours by school-related groups as well as sales from vending machines must be in compliance with state and federal law and must not impair student participation in the district's food service program. School district and/or school site authorities may impose additional restrictions on the sale of food and/or beverages.

The Superintendent, designee, and/or school Board shall approve all food and beverage sales by student and adult organizations in accordance with state and federal law, Board policy, and administrative regulations.

## **Fifty Percent Rule**

At least 50 percent of all food and beverage items sold must be from the list of nutritious items.

This applies to all organizations or entities selling food at any location on the school premises, e.g., school food services, student club or organization, parent/guardian and teacher organizations (PTSA and ROP) as well as vending machine sales.

## **Income from Food and Beverage Sales**

The sale of food and beverage items may only be allowed if all income derived from these sales, including the sale of approved foods and beverages from vending machines, accrues to the benefit of the school, the school food service program, and/or student organization(s) organizing the sale.

### *Legal Reference:*

#### EDUCATION CODE

- 38085            *Sale of specified food items*
- 48931            *Authorization and sale of food*
- 49430-49436    *Pupil Nutrition, Health, and Achievement Act of 2001*
- 51520            *School premises; prohibited solicitations*

#### CODE OF REGULATIONS, TITLE 5

- 15500            *Food sales in elementary schools*
- 15501            *Sales in high schools and junior high schools*

#### HEALTH AND SAFETY CODE

- 113700-114455   *California Uniform Retail Food Facilities Law, including:*
- 114200-114245   *Vending machines*

#### UNITED STATES CODE, TITLE 42

- 1751-1769h      *National School Lunch Act*
- 1771-1791       *Child Nutrition*

#### CODE OF FEDERAL REGULATIONS, TITLE 7

- 210.1-210.31    *National School Lunch Program*
- 220.1-220.21    *National School Breakfast Program*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Healthy Food Policy Resource Guide, 2003*

#### CDC PUBLICATIONS

*School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000*

#### NASBE PUBLICATIONS

*Fit, Healthy and Ready to Learn, 2000*

#### USDA PUBLICATIONS

*Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000*

#### FCMAT PUBLICATIONS

*Associated Student Body Accounting Manual and Desk Reference, 2002*

#### WEB SITES

CSBA: <http://www.csba.org>

CDE, Nutrition Services Division/SHAPE California: <http://www.cde.ca.gov/nsd>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

Fiscal and Crisis Management Assistance Team: <http://www.fcmat.org>

California Association of School Business Officials: <http://www.casbo.org>

*National School Boards Association: <http://www.schoolhealth@nsba.org>  
National Association of State Boards of Education (NASBE): <http://www.boards@nasbe.org>  
US Dept. of Agriculture, Food and Nutrition Information Center (FNIC): <http://www.nal.usda.gov/fnic>*

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